

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SUNMOST INVESTMENTS LIMITED, d/b/a  
VANGUARD BAGS (H.K.) COMPANY,

Plaintiff,

– against –

SCHIFTER + PARTNERS LLC,

Defendant.

**ORDER**

12 Civ. 9430 (ER)

RAMOS, D.J.:

On December 28, 2012, Sunmost Investments Limited filed a complaint against Schifter + Partners LLC for breach of contract and related claims. Doc. 1. On June 12, 2013, the case was stayed pending the outcome of Defendant’s bankruptcy proceeding. Doc. 18. On December 20, 2013, the Court directed the parties to submit a status update by January 3, 2014 and every three months thereafter. *Id.* The parties did not submit any status updates. On October 8, 2020, the Court directed the parties to submit a joint status report by October 22 and warned that “[f]ailure to comply with the Court’s order could result in sanctions, including dismissal for failure to prosecute. Fed. R. Civ. P. 41(b).” Doc. 20. On October 21, counsel for Defendant informed the Court that the bankruptcy proceeding had concluded and Defendant had dissolved seven years ago, and suggested that Plaintiff voluntarily dismiss the action. Doc. 22. Plaintiff’s counsel informed the Court that defense counsel had told him the same, but Plaintiff did not request dismissal or propose an alternative course. Doc. 21.

Plaintiff is therefore ORDERED to appear before the Court telephonically on **November 6, 2020 at 11 a.m.** to show cause why the Court should not dismiss this case for failure to prosecute. The conference call access information is: (877) 411-9748, Access Code 3029857#.

It is SO ORDERED.

Dated: October 23, 2020  
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

---

EDGARDO RAMOS, U.S.D.J.